

SOLICITOR

TO:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	FEB 21 2008	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
			U.S. PATENT & TRADEMARK OFFICE

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised
that a court action has been filed in the U.S. District Court San Diego on the following Patents or Trademarks:

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
07-CV-2130-H	11/07/2007	Southern District of California
PLAINTIFF		DEFENDANT
Clever Sys., Inc.		Viewpoint Life Sciences, Inc.
PATENT OR TRADEMARK NO.	PATENT OR TRADEMARK NO.	PATENT OR TRADEMARK NO.
1 See complaint 7,209,588	6	11
2	7	12
3	8	13
4	9	14
5	10	15

In the above-entitled case, the following patent(s)/trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	PATENT OR TRADEMARK NO.	PATENT OR TRADEMARK NO.	
1	6	11	
2	7	12	
3	8	13	
4	9	14	
5	10	15	

In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT		
CLERK	(BY) DEPUTY CLERK	DATE
W. Samuel Hamrick, Jr.		2/8/08

FILED

07 NOV -7 AM 11:02

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

(P)

DEPUTY

1 STEVEN D. HEMMINGER (SBN 110665)
2 **AKIN GUMP STRAUSS HAUER & FELD LLP**
3 Two Palo Alto Square
3000 El Camino Real, Suite 400
4 Palo Alto, California 94306
Telephone: 650-838.2000
5 Facsimile: 650.838.2001
E-mail: shemminger@akingump.com

6 JOANNA H. KIM (SBN 183799)
7 **AKIN GUMP STRAUSS HAUER & FELD LLP**
2029 Century Park East, Suite 2400
8 Los Angeles, California 90067-3012
Telephone: 310-229-1000
9 Facsimile: 310-229-1001
E-mail: jkim@akingump.com
dnelson@akingump.com

10 Attorneys for Plaintiff
11 CLEVER SYS., INC.

12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

Via fax

14 CLEVER SYS., INC., a Virginia
15 corporation,

16 Plaintiff,

17 v.

18 VIEWPOINT LIFE SCIENCES, INC., a
19 Canadian corporation,

20 Defendant.

Case No. **07 CV 2130**

H (NLS)

**COMPLAINT FOR PATENT
INFRINGEMENT**

[DEMAND FOR JURY TRIAL]

1 Plaintiff Clever Sys., Inc. ("Plaintiff") avers as follows for its Complaint for Patent
2 Infringement against Defendant ViewPoint Life Sciences, Inc. ("Defendant"):

3
4 **JURISDICTION AND VENUE**

5 1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
6 §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, 35 U.S.C.
7 §§ 100, *et seq.*

8 2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 in that a substantial
9 part of the events or omissions giving rise to the claim occurred within this District. Beginning on
10 November 3, 2007, Defendant attended the annual meeting of the Society for Neuroscience in San
11 Diego at which it used, sold and offered to sell behavior analysis systems which were imported into the
12 United States and are believed to infringe Plaintiff's patent. *See* Exhibit A attached hereto.

13
14 **THE PARTIES**

15 3. Plaintiff is a corporation organized and existing under the laws of the State of Virginia,
16 with its principal place of business located in Reston, Virginia.

17 4. Upon information and belief, Defendant is a corporation organized and existing under
18 the laws of Canada, with its principal place of business located in Montreal, Quebec.

19
20 **NATURE OF ACTION**

21 5. This action arises under the patent laws of the United States, 35 U.S.C § 100, *et seq.*,
22 from Defendant's direct infringement, contributory infringement and/or inducement to infringe, United
23 States Patent No. 7,209,588, (the "'588 patent"), entitled "UNIFIED SYSTEM AND METHOD FOR
24 ANIMAL BEHAVIOR CHARACTERIZATION IN HOME CAGES USING VIDEO ANALYSIS,"
25 issued on April 24, 2007. A copy of the '588 patent is attached hereto as Exhibit B.

COUNT I

PATENT INFRINGEMENT

6. Plaintiff incorporates by reference the averments in Paragraphs 1 through 5 as if fully set forth herein.

7. Plaintiff is the sole owner by assignment of all rights, title and interest in and to the '588 patent.

8. Upon information and belief, Defendant has infringed and continues to infringe the '588 patent. The infringing acts include, but are not limited to, the making, using, selling, offering for sale and importing into the United States and within this judicial district products that directly infringe, contributorily infringe and/or induce infringement of the '588 patent.

9. Upon information and belief, Defendant has actively induced and is actually inducing other to infringe the '588 patent by instructing others to purchase and use their systems in ways that infringe the '588 patent.

10. Upon information and belief, Defendant has actual notice of the '588 patent owned by Plaintiff.

11. Upon information and belief, Defendant has not had, nor does it presently have, a reasonable basis for believing it has a right to engage in the acts complained of herein, and its infringement willful and deliberate, making this an exceptional case and justifying the award of treble damages pursuant to 35 U.S.C. § 284 and attorneys' fees and costs pursuant to 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE; Plaintiff respectfully requests that the Court issue relief as follows:

A. A judgment declaring that Defendant has infringed, actively induced infringement, and/or committed acts of contributory infringement with respect to the claims of the '588 patent;

B. A judgment declaring that Defendant's infringements of the '588 patent are and have been willful and deliberate;

1 C. A judgment permanently enjoining Defendant and its officers, directors, employees,
2 servants and agents; and those in active concert with Defendant from infringing or inducing others to
3 infringe the '588 patent.

4 D. Awarding Plaintiff compensatory damages resulting from Defendant's infringements of
5 the '588 patent, including enhanced damages pursuant to 35 U.S.C. § 284, together with prejudgment
6 and post-judgment interest, in an amount according to proof;

7 E. Awarding attorneys' fees pursuant to 35 U.S.C § 285 or as otherwise permitted by law;

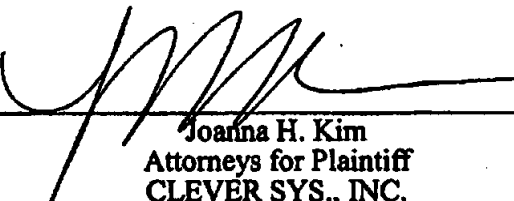
8 F. Awarding Plaintiff its costs; and

9 G. For such other and further relief as the Court deems just and proper.

10 Dated: November 6, 2007

AKIN GUMP STRAUSS HAUER & FELD LLP

11 By

12 
13 Joanna H. Kim
14 Attorneys for Plaintiff
15 CLEVER SYS., INC.
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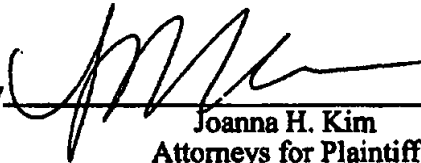
DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues herein.

Dated: November 6, 2007

AKIN GUMP STRAUSS HAUER & FELD LLP

By



Joanna H. Kim
Attorneys for Plaintiff
CLEVER SYS., INC.

1 STEVEN D. HEMMINGER (SBN 110665)
2 **AKIN GUMP STRAUSS HAUER & FELD LLP**

3 Two Palo Alto Square
3000 El Camino Real, Suite 400
4 Palo Alto, California 94306
Telephone: 650-838.2000
5 Facsimile: 650.838.2001
E-mail: shemminger@akingump.com

6 JOANNA H. KIM (SBN 183799)
7 **AKIN GUMP STRAUSS HAUER & FELD LLP**

8 2029 Century Park East, Suite 2400
Los Angeles, California 90067-3012
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9 Facsimile: 310-229-1001
E-mail: jkim@akingump.com
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10 Attorneys for Plaintiff
11 CLEVER SYS., INC.

12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA
14

15 CLEVER SYS., INC., a Virginia
16 corporation,

17 Plaintiff,

18 v.

19 VIEWPOINT LIFE SCIENCES, INC., a
20 Canadian corporation,

21 Defendant.

Case No. 07-CV-2130 H (NLS)

RULE 41(A) VOLUNTARY DISMISSAL

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RULE 41(A) VOLUNTARY DISMISSAL

Case No. 07-CV-2130 H (NLS)

1 Defendant ViewPoint Life Sciences, Inc. ("Defendant") has not answered or filed a motion for
2 summary judgment. As such, Plaintiff CleverSys., Inc. ("Plaintiff"), is entitled to, and does hereby,
3 voluntarily dismiss this action pursuant to Rule 41(a) of the Federal Rules Civil Procedure.
4

5 Dated: January 25, 2008

AKIN GUMP STRAUSS HAUER & FELD LLP

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7 By: /s/ Joanna H. Kim

8 Attorneys for Plaintiff
9 CLEVERSYS, INC.
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